

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**BRENDA L BRUMM
1400 BLAIRS FERRY RD APT P-3
HIAWATHA IA 52233**

**WOODHARBOR MOLDING & MILLWORK
3277 – 9TH ST SW
MASON CITY IA 50401**

**Appeal Number: 04A-UI-09939-DWT
OC: 08/15/04 R: 02
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Brenda L. Brumm (claimant) appealed a representative's September 8, 2004 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Woodharbor Molding & Millwork, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on October 6, 2004. The claimant participated in the hearing with her husband, Scott. Diane Kafer, the human resource manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits.

FINDINGS OF FACT:

The claimant started working for the employer in February 2002. The claimant worked full time.

After the claimant's husband became unemployed, he could not find another job in the local area. He finally accepted a job in Amana and started his second-shift job in May 2004. The claimant and their children remained in the Mason City area.

After her husband started working in Amana, the claimant tried to find another job in that area, but was not successful. The claimant and her husband wanted to move the family to the Hiawatha area before school started.

The claimant and her husband went to the Mason City Workforce Office to see if there was any program the claimant could enter that would help them move the family to the Hiawatha area and help her get a job in this area. A Workforce representative told the Brumms that if the employer agreed not to protest the claimant's receipt of unemployment insurance benefits, she could resign and receive benefits. The employer told the claimant her unemployment insurance claim would not be protested and the employer did not protest. Based on information from the Workforce representative and the employer's agreement that her claim would not be protested, the claimant resigned and moved to Hiawatha. The claimant gave the employer a two-week notice and her last day of work was August 18, 2004.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2.

The law presumes a claimant has voluntarily quit without good cause when she leaves employment to move to another locality. 871 IAC 24.25(2). The claimant wanted to move before school started and planned to move as soon as the family could financially afford the move. The claimant intended to have another job before she moved from the Mason City area and started looking. She was not successful in finding other employment. The claimant and her husband relied on incorrect information from a Workforce representative and assumed she could receive unemployment insurance benefits if she resigned to move as long as the employer did not protest the receipt of her unemployment insurance benefits. Unfortunately, the law does provide for such an exception even when the employer does not object to an employee's receipt of unemployment insurance benefits. Under the facts of this case, the claimant established compelling personal reasons for quitting. Her reasons do not, however, qualify her to receive unemployment insurance benefits. As of August 15, 2004, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's September 8, 2004 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for compelling personal reasons. These reasons do not qualify

her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of August 15, 2004. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/pjs